

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: Sept. 20, 2006/Marathon

Division: BOCC – DISTRICT 5

Bulk Item: Yes X No

Department: Comm. Glenn Patton

Staff Contact Person: Donna Hanson

AGENDA ITEM WORDING: Approval of a resolution by the Board of County Commissioners supporting the relocation of the Florida Keys Wild Bird Rehabilitation Center to the scarified area around the west end of the quarry pit of the Dove Creek Exotic Maintenance Project site on US1.

ITEM BACKGROUND: See attached

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty x OMB/Purchasing Risk Management

DOCUMENTATION: Included x Not Required

DISPOSITION:

AGENDA ITEM #

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
SUPPORTING THE RELOCATION OF THE FLORIDA KEYS WILD
BIRD REHABILITATION CENTER TO THE SCARIFIED AREA
AROUND THE WEST END OF THE QUARRY PIT OF THE DOVE
CREEK EXOTIC MAINTENANCE PROJECT SITE ON US1.

WHEREAS, the Florida Keys Wild Bird Rehabilitation Center is a tax exempt not for profit agency that provides a valuable service by caring for injured and orphaned birds and educating the public on the wildlife and environment of the Florida Keys; and

WHEREAS, the Florida Keys Wild Bird Rehabilitation Center has outgrown the available space on the existing site and must relocate to better fulfill their mission; and

WHEREAS, the Florida Keys Wild Bird Rehabilitation Center is supported by private donations and by private and government grants; and

WHEREAS, the wetlands on which the Florida Keys Wild Bird Rehabilitation Center are currently are prone to flooding, placing the State's birds in our care at risk; and

WHEREAS, the site on which the Florida Keys Wild Bird Rehabilitation Center is currently located would become available for the State's protective purchase upon relocation; and

WHEREAS, the site to which the Florida Keys Wild Bird Rehabilitation Center is proposing to relocate is currently owned by the State of Florida and is part of the Dove Creek Wildlife and Environmental Area, under the authority of the Department of Environmental Protection and under the management of the Florida Fish and Wildlife Conservation Commission; and

WHEREAS, the areas of the Dove Creek Exotic Maintenance Site that the Florida Keys Wild Bird Rehabilitation Center is proposing to develop are high ground that has already been scarified by the previous quarrying activities and is not part of the adjacent virgin hardwood hammock; and

WHEREAS, the Florida Keys Wild Bird Rehabilitation Center has submitted a request with a preliminary proposal and plan to the State of Florida; and

WHEREAS, the Board of County Commissioners has duly considered the request of the Florida Keys Wild Bird Rehabilitation Center to the State of Florida; and

WHEREAS, the proposed recovery center will require a major conditional use permit from the County;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA, to endorse and support the submitted request, preliminary proposal, and plan, copies of which are enclosed, as being a benefit to the Florida Keys Wild Bird Rehabilitation Center, the native and migratory birds, the environment of Monroe County, and to the citizens of and visitors to Monroe County, and at no cost to the State of Florida.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County Florida at the regular meeting held on the 20th day of September, A.D., 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner Mario DiGennaro	_____
Commissioner Glenn Patton	_____

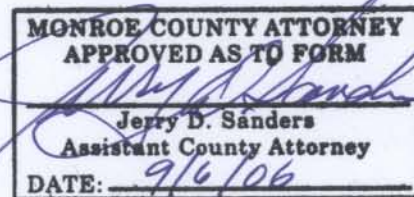
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Mayor Charles "Sonny" McCoy

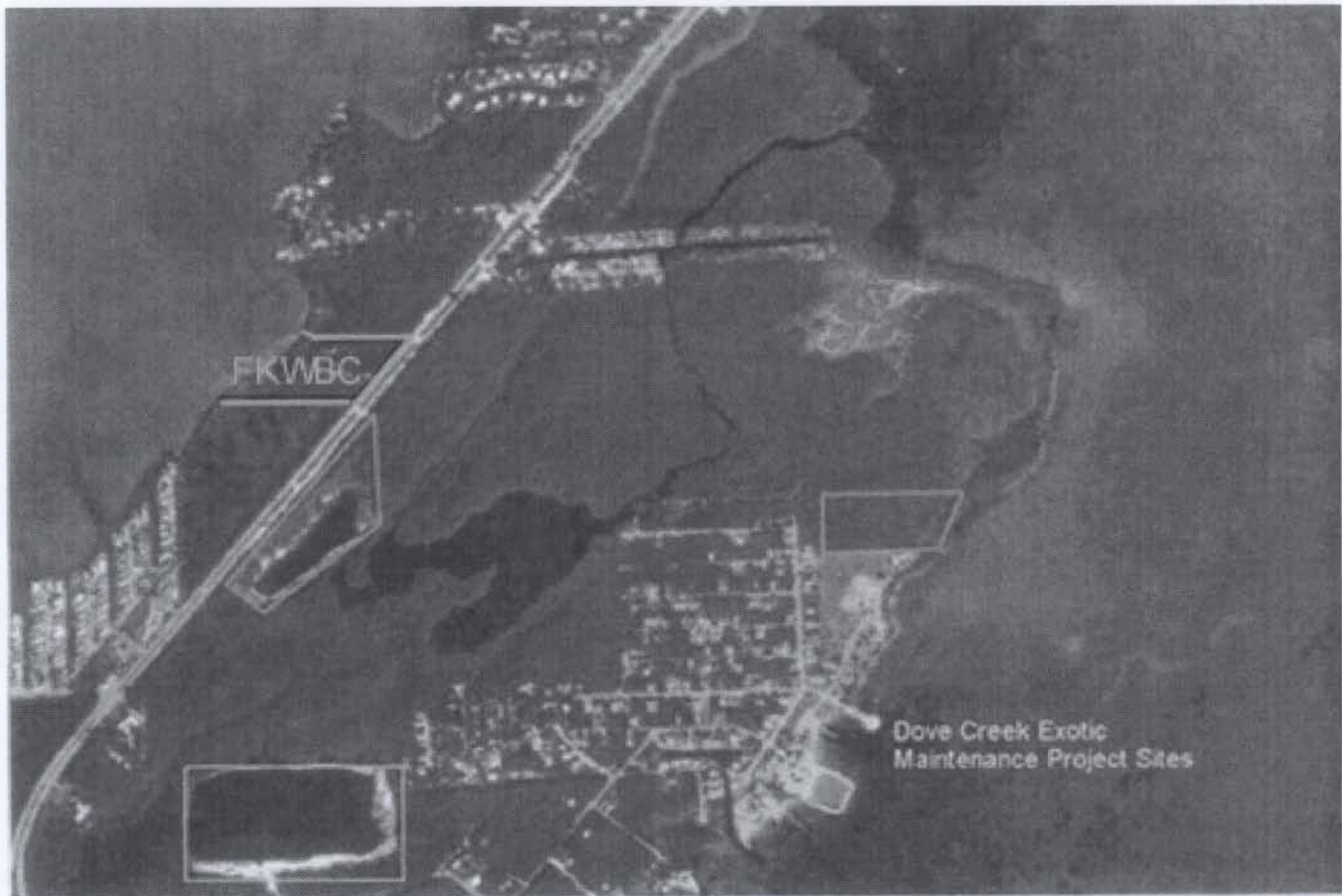
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK



Florida Keys Wild Bird Rehabilitation Center Proposal for Lease and Management of the Adjacent Dove Creek Exotic Maintenance Project Site



In exchange for a long-term lease of the Exotic Maintenance Project Site that is immediately across US1 from the Center, the Florida Keys Wild Bird Rehabilitation Center, Inc. will commit to the following:

1. Remove all of the invasive exotic vegetation from the leased site;
2. Maintain the site on an ongoing basis so that no invasive exotic vegetation can return;
3. Reforest the site with appropriate trees and other vegetation as designated by the state;
4. All of the above will be performed at no cost to the state through management of donation programs and grants by the Center;
5. Development including pervious paving for parking and walkways, wildlife habitats, picnic areas, and service paths will be integrated into the hammock vegetation;
6. The necessary structures, including the visitor/education center, hospital, maintenance shop, office, and staff and intern housing total approximately 5,000 SQ FT and will be placed in areas that are currently devoid of trees; (See attached plan)
7. The Center will participate in programs important to the state such as The Florida Keys Scenic Highway, Great Florida Birding Trail, Florida Keys Kayak Trail via Dove Creek, and Flying WILD;
8. Expand programs to rescue, rehabilitate and release hundreds of common and listed native wild birds so that they can continue their migrations or remain local and reproduce their species in the wild.

THE ALTERNATIVE:

The Wild Bird Rehabilitation Center will continue to suffer from the loss of income due to insufficient parking for students' school busses, tourists' busses, and the handicapped. In season, many visitors are confronted with a jammed parking lot precluding their visiting us, as are our northern supporters wanting to see what they have sent money to the Keys to support. During hurricane season, the risk of total destruction exists.

It is a dismal situation.

Proposed Development for the Florida Keys Wild Bird Rehabilitation Center (Site Plan)

PUBLIC AREA

1. Education Center (2000 SF)
Gift Shop
Restrooms
2. Picnic Area
3. Dove Sound Overlook West
4. Dove Sound Overlook East
5. General Parking
6. Bus Parking
7. Turning Area for Large Vehicles

STAFF AREA

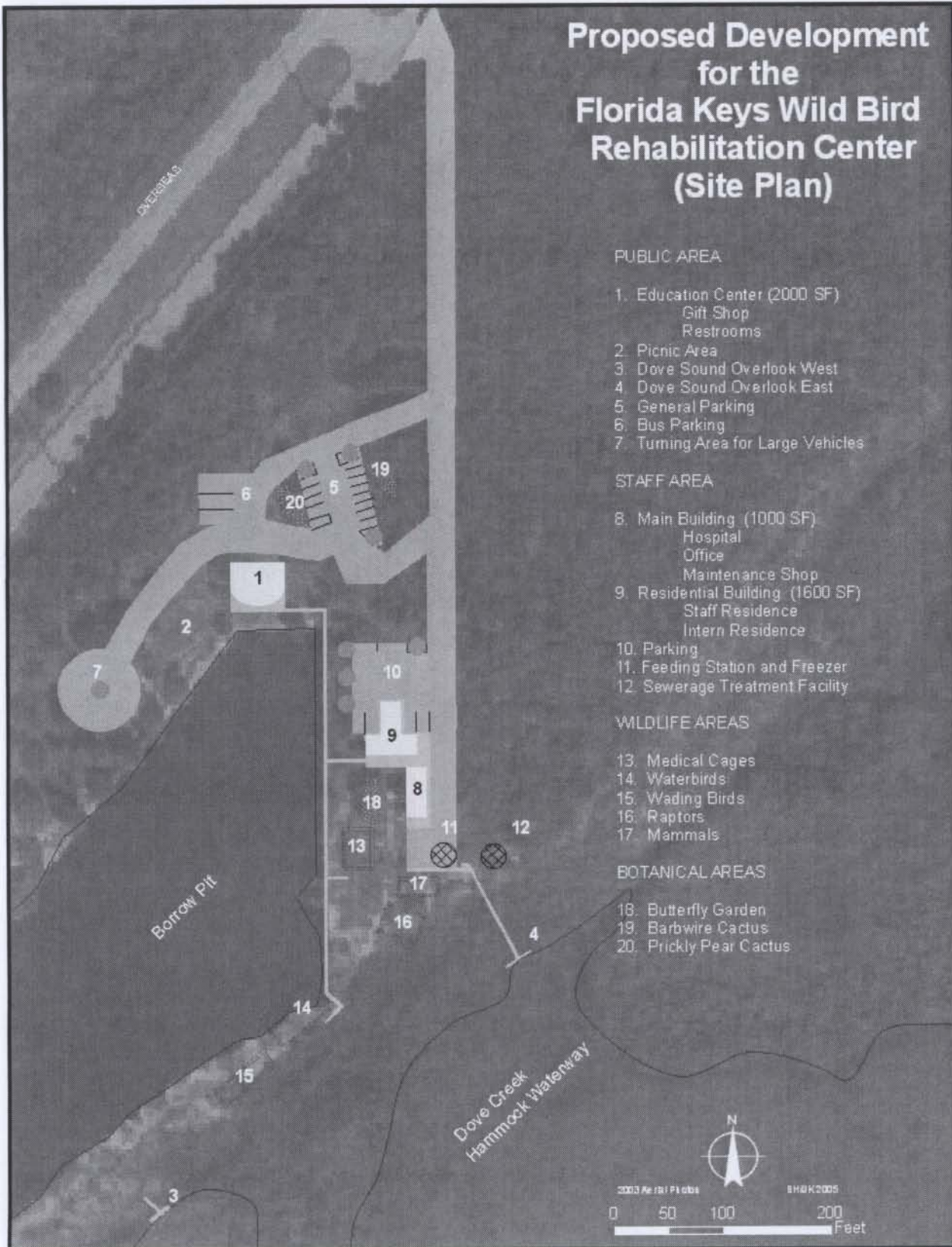
8. Main Building (1000 SF)
Hospital
Office
Maintenance Shop
9. Residential Building (1600 SF)
Staff Residence
Intern Residence
10. Parking
11. Feeding Station and Freezer
12. Sewerage Treatment Facility

WILDLIFE AREAS

13. Medical Cages
14. Waterbirds
15. Wading Birds
16. Raptors
17. Mammals

BOTANICAL AREAS

18. Butterfly Garden
19. Barbwire Cactus
20. Prickly Pear Cactus



2003 Aerial Photos

BH&K2005

0 50 100 200 Feet

July 21, 2006
Commissioner Glenn Patton
99198 Overseas Hwy., Suite II
Key Largo, FL 33037

Dear Commissioner Patton:

We first want to thank you for the years of support that you and the other commissioners have provided to the Florida Keys Wild Bird Center. It has enabled the care of thousands of our local and migratory wild birds and been major contribution to the environmental health of the Keys.

This request is free of cost to the county but will make the largest single contribution possible to the care of our environment, in many ways. By passing a resolution in favor of the enclosed proposal to the State of Florida for the relocation of the Center from its beautiful but vulnerable wetland location to a scarified former-quarry just across the highway. This relocation would immensely increase the health of both habitats at no cost to the taxpayers, as we would properly reforest the scarified areas around the northeast end of the quarry pit through a "Dedicate-A-Tree" program and the currently disturbed area of the wetland would quickly heal itself and could be a nice addition to the State's current inventory of properties and the Great Florida Birding Trail.

Moreover, the new location would drastically heighten the Center's ability to fulfill its mission of environmental protection and education. The high ground around the quarry will protect our birds from having to be moved whenever a flood event occurs, let alone another Hurricane like Wilma. With the large scarified areas, we will finally have adequate parking for school and tour buses, and for the handicapped. Accommodating more visitors would mean more awareness and especially more donations that would directly work towards the environmental improvements. We envision becoming an ecotourism, environmental education, and rehabilitation facility of regional influence.

The State, FWC, and DEP have repeatedly declined our proposal as inappropriate for the site because they wish to preserve the adjacent hardwood hammock. Since we want to build only on already scarred areas, our construction wouldn't be harmful to the protected ecosystem and would, in fact, improve an area left bare by the State's expensive (\$96,000 to date, by their figures) ongoing battle with invasive exotic vegetation because they can't afford reforestation. With the increased donations and our resources, we would take over the fight against exotics and be able to see the proper reforestation of the area through, relieving the State of both the worry and the cost.

A resolution by the Board of County Commissioners supporting our proposal would be a major factor in encouraging state officials to reevaluate our proposal, so we hope that you will continue to help us in our efforts to protect the unique environment of the Florida Keys.

Thank you for your consideration of our request. Should you have any questions or comments about our request, please do not hesitate to contact me or our Executive Director, Bruce Horn, at 852-4486 or at fkwbcc@terranova.net.

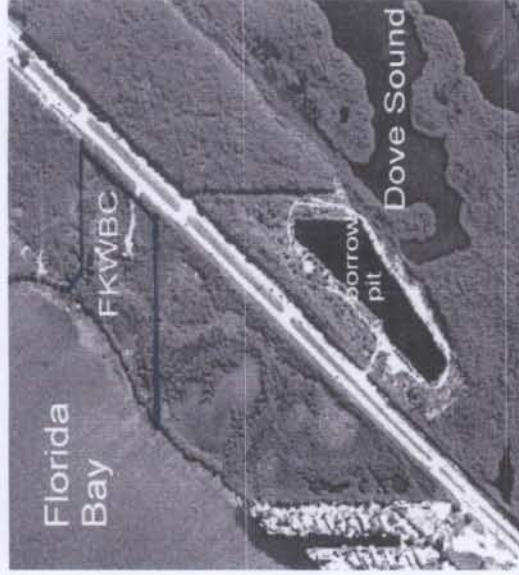
Sincerely,

Laura B. Quinn
Executive Director

Enc. Draft Resolution, Proposal summary, and Plan.

OUR RELOCATION PLAN.

This is a plan where EVERYONE, AND EVERYTHING WINS, even the wild birds.



"FKWBC" is the current Center. The "borrow pit" is an abandoned quarry on property owned by the state and managed by the Fish and Wildlife Conservation Commission (FWC). In ten years of management, FWC has spent \$96,000 eliminating invasive exotic vegetation from the scarified area, the white area surrounding the pit; but they have spent \$0.00 to reforest it.

As long-term tenants, we would be on-site to remove invasive exotics as they sprout,
AT NO COST TO THE TAXPAYERS!

As long-term tenants, we would implement a "Dedicate-A-Tree" program that would properly reforest this area within five years,
AT NO COST TO THE TAXPAYERS!

The pit has a 9' sheer wall that is not fenced to protect the kids that play there from tumbling into the 60' deep water. We'd fence it in attractively.
AT NO COST TO THE TAXPAYERS!

If we can and will accomplish FWC's stated goals,
AT NO COST TO THE TAXPAYERS, why have they consistently denied our proposal for the scarified area?

HERE IS HOW TO HELP.

Let the decision makers listed below know that the Florida Keys Wild Bird Center:

- Has been the place to which Keys residents can bring an injured, ailing or orphaned wild bird for help "24/7".
- Has been rescuing and rehabilitating the state's wild birds for 20 years; those are thousands of birds that would not have lived to reproduce.
- Has been offering valuable environmental education to Keys citizens and their children and to over 12,000 visitors a year.
- Has been and continues to be the primary assistant to the Wild Bird Centers in Marathon and Big Pine.

To condemn the Center to the limited and vulnerable wetland when a much more suitable scarified upland is available just across the highway jeopardizes the Center's future. If the Center is forced to close, the government decision makers listed below will be the direct cause of that loss.

Governor Jeb Bush (850) 488 2272

jeb.bush@myflorida.com

Senator Paula Dokerly (863) 413-2900
Chair, Environmental Protection Comm.

dokerly.paula.web@flsenate.gov

Secretary Colleen Castille (850) 245-2011
Department of Environmental Protection
colleen.castille@dep.state.fl.us

Ken Haddad (850) 487-3796
Exec. Dir., Fish & Wildlife Cons. Comm.

kenneth.haddad@fwc.fl.state.us

Ask them why tens of thousands of your tax dollars will be spent killing exotics when we will do it for free, and we'll save the lives of the state's wildlife, which they can't do! And we'll fence off our part of the quarry.
Please cc: fkwbcc@terrannova.net. Thank you.

A PLEA TO RESTORE BOTH OUR WILD BIRDS AND A SCARIFIED HAMMOCK.

The Florida Keys Wild Bird Center (FKWBC) rescues, rehabilitates and releases sick, injured and orphaned, wild birds and educates the public about the plight of these birds and of the unique and delicate environment of the Keys.

The FKWBC is in trouble. Its continued success is threatened by problems with its location.

There is insufficient parking for:

delivery trucks; tour busses; school busses;
visiting tourists; members; the disabled;
bird rescuers; interns; our staff.

Once parked, visitors find insufficient upland, one acre, for program additions of an educational facility and an Avian Flu research facility.

Hurricane Wilma proved what we always knew; our current low-lying bay front site is susceptible to destructive flooding. When the Center was forced to relocate from its residential birthplace, this site was the only economically available location. With only minor flooding in the past, our luck ran out; it is predicted to do so again.



BUT THERE IS HOPE; there is a location that would allow the Center to escape these survival-threatening conditions, and help the environment **AND IT IS NEAR-BY.**

The FKWBC is a tax-exempt, 501(c)(3) organization, fkwbcc.org, at 93600 Ovs Hwy, Tavernier, FL 33036. fkwbcc@terrannova.net

"FWC has determined that the site in question is not appropriate for the Wild Bird Center. The goal for the property is to restore and protect a very rare ecosystem and the construction and human traffic that would be generated by locating the Center on the property would not be conducive to protecting the ecosystem." "I hope that you are able to find another property suitable for the proposed Center so you can continue to share your experiences with visitors and students at the Wild Bird Center." Senator Paula Dockery 2/6/06. **We have searched the Upper Keys; none exists.**



This is what happens when a few year's growth of the exotic lead trees get the state's attention, and \$35,000. The trees get chopped down, the seedpods are left to germinate and the root balls will regrow. A few years earlier, they spent \$61,000 to control Brazilian pepper in another part of the area.

In this scarified area, the exotic vegetation and the cap rock are not giving the native vegetation a chance to become properly established.

This site has not been an active quarry for over 20 years and in state ownership for 10 years.

Through a "Dedicate-a-Tree" program, we will reforest the scarified areas within five years. The appropriate trees will be properly planted at the appropriate elevations. With staff supervision of volunteers and community service, the exotics will be plucked before they can spread their seeds. The public will see how their donations can take a deserted, dangerous "brown field" and restore it to fertile hammock for our native wildlife, while providing an appropriate location for a rehabilitation center that will restore and protect the individuals that have become casualties of hazards brought to the Keys by careless and indifferent people. Will the state do this?



This is what happens when a native mahogany tries to grow on the cap rock and was not properly planted because it costs too much. It gets blown over.

We'll plant the desired trees properly.



This unfenced 9' danger is what happens when the state cannot afford to follow its own laws. You and I could not get away with this huge liability on our unfenced property. Fortunately, none of the kids who play in the area or the anglers fishing there have tumbled in.

With a long-term lease, we will fence the leased area, carry liability insurance for both Center and the state, and provide a "24/7" presence managing both the human and wildlife present.

It has cost the taxpayers over \$96,000.

WITH OUR MANAGEMENT, THE EXOTIC PLANTS WILL GO, THE NATIVES WILL GROW, AND THE WILDLIFE WILL BE SAVED.

GROWTH MANAGEMENT DIVISION

2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

July 13, 2005

Mr. Bruce Horn
Florida Keys Wild Bird Center
93600 Overseas Highway
Tavernier, FL 33070

**SUBJECT: LETTER OF UNDERSTANDING (LOU) FOR THE DEVELOPMENT OF
THE FLORIDA KEYS WILD BIRD CENTER, RE: 00089210.000100.**

Mr. Horn,

Pursuant to Section 9.5-43 of the Monroe County Code (MCC) this document shall constitute a Letter of Understanding (LOU). On April 29, 2005 a Pre-Application Conference regarding the subject property was held at the Monroe County Planning Department office on Plantation Key.

Attendees of the April 29, 2005 meeting included Bruce Horn, (hereafter referred to as "the Applicant"); Jason King, Planner; and Alex Score, Biologist (hereafter referred to as "Staff").

Materials presented for review included:

- a) Pre-Application Conference Request Form; and
- b) A Resolution by the Board of County Commissioners waiving the Pre-Application Conference fee; and
- c) Property Record Cards; and
- d) A Conceptual Site Plan by Bruce Horn; and
- e) A Geographic Information System (GIS) Analysis of the Site; and
- f) A Description of the Project.

Items discussed at the meeting included the following:

1. The applicant is proposing to construct a bird rehabilitation center on a thirty two (32) acre parcel which will include: an education center with gift shop and restrooms (between 1,230 square feet and 2,000 square feet); hospital office (between 800 square feet and 1,000 square feet); two (2) to four (4) employee residences; feeding station/ freezer; elevated walkways, parking areas, and a sewerage treatment facility. The proposal includes four (4) wildlife areas and three (3) botanical areas estimated at between 8,000 square feet and

11,000 square feet which will be constructed with mesh wire and may include roofs. The applicant did not submit a scaled site plan. All estimates of size are approximate.

2. The site is located at approximately Mile Marker 93.5 at 93600 Overseas Highway, Bayside, Tavernier, Florida. The site has a legal description of 23 62 38 ISLAND OF KEY LARGO PT W1/2 OF SW1/4 OR589-997 OR60; 9-205 OR801-1564 OR959-2139/2141C/T OR1038-2446/2447Q/C(LG); OR1192-2483DC(CW).
3. The parcel of land currently has a split Land Use Designation of Sub Urban Residential (SR) and Natural Area (NA) and a split Future Land Use Map designation (FLUM) of Recreation (MC) and Residential Low (RL). The proposed project is consistent with both the future and existing land use districts provided that the development is limited to the SR area where Institutional uses are allowed as a Minor Conditional Use. Institutional uses in NA require a Institutional Land Use Overlay and are as allowed only as a Major Conditional Use.
4. Institutional use means a use that serves the recreational, religious, educational, cultural or health needs of the community, including educational and scientific research facilities that serve the region and day care and preschool facilities pursuant to the Monroe County Code (MCC) Definition (I-4).
5. The property is located in a split flood zone with the designations AE 7 and AE 8, according to Panel 919 of 1585, of the Federal Emergency Management Agency Maps. All new structures will be required to comply with the most restrictive flood zone requirements in which the individual structures are located.
6. Pursuant to MCC Section 9.5-235, Institutional uses are allowed as a minor conditional use in the SR district provided that: (a) The parcel proposed for development is separated from any established residential uses by a class C buffer-yard; and (b) Access to U.S. 1 is by way of (i) An existing curb cut. The site currently has two existing curb cuts.
7. The 32.4 gross acre parcel is comprised of 577,849 square feet (13.2 acres) of upland habitat (not including the borrow pit or wetlands). 67,529 square feet of the upland habitat (1.6 acres) has a Land Use designation of Native Area (NA). 504,236 square feet of the upland habitat (11.6 acres) has a Land Use designation of Sub Urban Residential (SR). Of the SR portion 231,053 square feet (5.4 acres) is located within a disturbed area and not within high quality tropical hardwood hammock, mangrove or borrow pit. 273,183 square feet (6.2 acres) is assumed to be tropical hardwood hammock although an HEI survey will be necessary. For the purposes of this LOU the hammock is assumed to be high quality. The applicant did not provide a site plan and all calculations are approximate and based on the County GIS.
8. The site can accommodate both the 14,000 square feet of Institutional floor area and the four (4) employee units which is the maximum-sized development proposed by the applicant.

In the Sub Urban Residential Land Use District the Maximum Floor Area Ratio (FAR) for Institutional uses is .25 for disturbed areas and .10 for all hammock areas. The Open Space Ratio is .50 for the disturbed area and .80 for the hammock area assuming that the hammock is high quality.

Floor Area

231,053 square feet (gross upland area, disturbed habitat) X .25 = 57,763 square feet maximum allowable Institutional floor area in the disturbed habitat.

273,183 square feet (gross upland area, hammock habitat) X .10 = 27,318 square feet maximum allowable Institutional floor area in the hammock habitat.

The total allowable floor area (disturbed and hammock habitat combined) is 85,081 square feet.

The applicant is proposing a maximum of 14,000 square feet of Institutional floor area including the wildlife and botanical areas.

If 85,081 square feet is equivalent to 100% Institutional usage of the site and the applicant is proposing a maximum of 14,000 square feet then the applicant is proposing to utilize 17% of the site for institutional purposes. 83% of the site remains available for residential use.

Open Space

The open space must be subtracted to determine the amount of the site available for residential use. The Sub Urban Residential Land Use District contains 504,236 square feet of upland habitat (11.6 acres) of which 231,053 square feet (5.4 acres) is disturbed and 273,183 square feet (6.2 acres) is assumed high quality hammock.

231,053 square feet * .50 Open Space Ratio = 115,527 square feet of Open Space and 115,527 square feet of net buildable area in the disturbed habitat.

273,183 square feet * .80 Open Space Ratio = 218,546 square feet of Open Space and 54,637 square feet of net buildable area in the hammock habitat.

The total allowable floor area (disturbed and hammock habitat combined) is 170,164 square feet.

Housing

At six (6) units per acre maximum net density for affordable housing the site can accommodate 23 units of 100% affordable housing ($6 / 43560 = X / 170,164$; $X = 23$ units). After subtracting the 17% Institutional use the site can host 23 units of affordable housing ($23 * .83 = 19$ units).

At 3 units per acre allocated density the site can accommodate 10 units of 100% market-rate housing ($3/43560 = X/170,164$; $X = 12$ units). After subtracting the 17% Institutional use the site can host fifteen (10) units of market-rate housing ($12 * .83 = 10$ units).

9. This parcel has a narrow strip of hammock on Overseas Highway side and a large hammock area over 250,000 square feet on the north. A vegetation survey is required. If any development occurs in the hammock portion of the property a habitat analysis, also known as a habitat evaluation index (HEI), is required to determine the type and quality of the tropical hardwood hammock. The open space requirement based on environmental codes depends on the hammock quality as determined by the HEI. The required hammock "Open Space" must be placed under a Grant of Conservation Easement Agreement (GOCEA). This recorded GOCEA will protect the hammock preserve in perpetuity.
10. The applicant was advised that the proposed Tier System would affect the clearing allowance. The maximum clearing allowance on Tier I lands is currently 20 percent of the site (115,580 square feet). It must be noted, however, that the Tier System is a proposed system.

The proposed Tier System is described in its current form in Objective 105.2 of Monroe County Comprehensive Plan, the 2003 Tier Map Report to the Planning Commission, and the revised August 2004 Report to the Board of County Commissioners.

11. The applicant was informed that the subject parcel is within a Conservation and Natural Area (CNA). Applications within the CNA boundaries that involve the clearing of upland hammocks and pineland in patches of two acre or greater are not being accepted. This would include any clearing on the northeast corner of the lot where the entrance to the site is located. The moratorium is in effect until an ordinance is adopted implementing Goal 105 of the Monroe County 2010 Comprehensive Plan.
12. The applicant asked several questions concerning the construction of tiki huts. Pursuant to Section 9.5-235 (a)(7) of the LDRs accessory uses such as tiki huts are allowed in the Sub Urban Commercial district as accessories to the transient units. Tiki huts can only be used to provide shading. If the tiki huts are used as a commercial use they require an allocation under Non-Residential Rate of Growth Ordinance (NROGO) pursuant to regulations in Section 9.5-124. Institutional uses do not require NROGO allocations. Accessory uses shall not include guest units or any other potentially habitable structure. Accessory units cannot exceed the square footage of the primary usage.

Only one (1) tiki of up to 200 square feet and no more than twelve (12) feet above grade would be allowed within the shoreline setback of the parcel pursuant to Section 9.5-349. Existing tiki huts may be maintained. In the event of substantial destruction of existing tikis or replacement of new tikis a minimum 10 foot setback will be required to the drip edge of the tiki's roofline along the altered shoreline. Along the unaltered shoreline the minimum setback will be twenty-five (25) feet from the drip edge of the roof to mean high-water/

apparent shoreline. These accessory structures must meet the side setbacks for the land use district.

13. Pursuant to the MCC, Section 9.5-283, the height of the building shall not exceed thirty-five (35) feet. Height means the vertical distance between average grade and the highest part of any structure. Therefore the development cannot exceed thirty five (35) feet in height from the preconstruction grade at the building site or crown of nearest road (US 1 in this case), whichever is higher.
14. Pursuant to the MCC Section 9.5-352 (b) regular parking spaces must be 8.5 feet wide and 18 feet long and handicapped spaces must be 12 feet wide and 18 feet long with an adjacent 5 feet wide and 20 feet striped access isle. An approved site plan must delineate the parking spaces and handicapped spaces.
15. Pursuant to the MCC Section 9.5-352 (c) the parking for the proposal cannot be exactly computed as the exact square footage of the uses were not provided. Offices require 3.0 spaces per 1,000 square feet of gross floor area. Eating and drinking establishments require 14 spaces per 1,000 square feet of gross floor area. Commercial retail requires 3.5 spaces per 1,000 square feet of gross floor area. Attached employee housing requires 1.5 spaces per unit and unattached market-rate housing require 2 spaces per unit.
16. Pursuant to the MCC Section 9.5-352 each required parking space shall have direct and unrestricted access to an isle of the following minimum width:

<u>Width of Isles</u>		
<u>Angle of Parking</u>	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>
90 degrees	24 feet	24 feet
60 degrees	18 feet	24 feet
45 degrees	15 feet	24 feet

17. According to the MCC Section 9.5-426 traffic studies by a qualified traffic engineer who is licensed in the State of Florida shall be required for the following developments:
 - a) Any development generating from 250 to 500 trips per day shall submit a report from a traffic engineer indicating that the configuration of the access to US 1 or County Road 905 will maintain a safe traffic flow, or provide a design for a new configuration to be constructed by the developer.If trip generation will not exceed 250 trips per day the applicant shall submit a letter and data from the traffic consultant stating this. That information will be evaluated by the Monroe County Traffic Consultant.
18. Wastewater treatment and disposal systems must meet the state and county standards pursuant to MCC Section 9.5-294. It is suggested that the applicant contact the office for the Health Department at (305) 853-1900.

19. Pursuant to MCC Section 9.5-391-393 all outdoor lighting, other than that used for public athletic facilities, shall be designed, located, and mounted at maximum heights of eighteen (18) feet for non-cutoff lights and thirty-five (35) feet for cutoff lights.

All lighting from nonresidential uses shall be located, screened, or shielded, so that adjacent residential lots are not directly illuminated.

All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed three-tenths (0.3) foot-candle for non-cutoff lights and one and five-tenths (1.5) foot-candles for cutoff lights.

Outdoor lighting within 25 (twenty-five) feet of any waterbody shall comply with Section 9.5-395. That lighting shall be cut off lighting, and may not exceed 18 feet in height.

20. Pursuant to the MCC Section 9.5-427 all entrances and drives and street intersections shall provide clear sight triangles in both directions.
21. Division 10 of the MCC requires that any project containing more than six (6) off-street parking spaces and located in one of the land use districts listed in Section 9.5-361 shall be landscaped in accordance with standards set out in Section 9.5-362. A Class "C" parking lot landscaping is required in a SR zone and for every twenty four (24) spaces requires 430 square feet of planting area with two (2) canopy trees and five (5) shrubs.
22. Division 11 of the MCC addresses Scenic Corridors and Buffer Yards. For this parcel, a scenic corridor buffer Class "F" will be required. Class "F" bufferyard standards for every one hundred (100) linear feet is a minimum of seventy five (75) feet in width with twenty five (25) canopy trees, fifteen (15) understory, fifty (50) shrubs, and a three (3) feet berm.

The District Boundary Buffer requirement between the NA and SR zone is a Class "A" bufferyard. Class "A" bufferyard sizes are minimal and range from five (5) feet to fifteen (15) feet in width. Existing native vegetation will count towards the bufferyard requirements.

23. Pursuant to Section 9.5-346, Mitigation standards and county environmental land management and restoration fund, the removal of any regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four (4) inches shall require payment to the County Environmental Land Management and Restoration Fund in an amount sufficient to replace each removed plant or tree on a two to one (2:1) basis. The number, species, and sizes of trees and plants to be mitigated shall be identified in an existing conditions report approved by the county biologist. In addition, all invasive exotic species identified in Section 9.5-364(g) must be removed from the property prior to issuance of a certificate of occupancy.
24. The applicant asked several questions concerning possible uses by the wetland mangrove area. Pursuant to Section 9.5-348 (d)(1) Environmental design criteria for specific habitat types. Mangroves, wetlands, and submerged lands, only docks, water access walkways,

water observation platforms are generally permitted and require approvals by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to the issuance of a county permit.

25. Pursuant to Section 9.5-348 (d)(7) a vegetated buffer is required between development and wetlands. A minimum vegetated setback of fifty (50) feet shall be maintained as an open space buffer for development occurring adjacent to all types of wetlands. On properties classified as scarified adjacent to wetlands, the wetland setback may be reduced to twenty-five (25) feet if a Class "D" bufferyard is provided, the property contains a site-suitable stormwater management plan, and is placed under a conservation easement. The County Biologist suggested that a wetland delineation be done.
26. Pursuant to Section 9.5-349 (b) Shoreline setback, principal structures shall be setback at least twenty (20) feet as measured from the mean high water (MHW) line along lawfully altered shorelines including manmade canals, channels, and basins.
27. Pursuant to Section 9.5-349 (c) Accessory structures within the shoreline setback shall be constructed at a foundation height not to exceed eighteen (18) inches above existing grade and shall meet not occupy more than sixty (60) percent of the upland area of the shoreline setback.
28. Stormwater must be retained onsite with swales or approved drainage. Drainage calculations must be shown on the plans. This project will be reviewed by the County Engineering Department for compliance.

If this property is subject to a conditional use approval, the Planning Commission is empowered under Section 9.5-63 to modify or deny any application based on their review of the appropriateness of the proposed development within the context of surrounding properties and compliance with the LDRs and 2010 Comprehensive Plan. In Section 9.5-65 the Planning Commission and the Planning Director are required to consider all aspects of the development, impacts on the community and consistency with the goals, objectives and standards of the plan and LDRs before granting conditional use approval, approval with conditions or denial of a project. Therefore, the intensities, densities and possibilities for setback waivers detailed in this LOU are subject to the Planning Commission and/or the Planning Director conditional use review and approval.

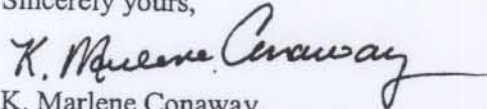
Pursuant to Section 9.5-43 of the Monroe County Land Development Regulations (LDRs), you are entitled to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations, if the Plan or LDRs are amended the property and/or project will be required to be consistent with all goals, objectives and standards at the time of development approval. The Planning Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the April 29, 2005 meeting, and consequently reserves the right for additional department comment. The information provided in this letter may be relied upon, with the previous disclaimers, for a period of three years. The

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We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Plantation Key office at (305) 852-7100.

Sincerely yours,



K. Marlene Conaway

Director of Planning and Environmental Resources

Cc: Timothy J. McGarry, AICP, Director of Growth Management
David Dacquisto, Island Planning Team Director
Jeff Stuncard, Principal Planner
Niko Reisinger, Senior County Biologist
Ervin Higgs, Monroe County Property Appraiser
Aref Joulani, Senior Administrator of Development Review and Design
Jason King, Senior Planner